

Ordinance No. 2021-26

An ordinance amending city code section 835 regarding Waste Collection and Disposal; Recycling; Organics

The City of Minnetonka Ordains:

Section 1. Section 835.005 of the Minnetonka City Code is amended to read as follows:

835.005. Definitions.

Unless the context clearly indicates otherwise, certain words are defined for the purpose of this section as follows.

1. "Collector" means a person holding a valid license from the city for the purpose of collecting recyclables, organics, waste or any combination of each~~both~~.
2. "Commercial establishment" means the premises that is occupied and used for a non-residential purpose, including a commercial or industrial enterprise, club, church, or school.
3. "Curbside collection" means the pick-up of waste from residential households that are single family through fourplex and other residential households where each housing unit sets out its own waste for collection at the curb.
3. ~~"Garbage" means animal and vegetable wastes, whether resulting from the handling, preparation, cooking, service and consumption of food or otherwise.~~
4. "Generator" means a person who generates waste.
5. "Hazardous waste" has the meaning contained in Minn. Stat. § 116.06, subd. 13.
6. "Incinerator" means a device used for the destruction of refuse, rubbish or waste material by fire.
7. "Mixed municipal solid waste" ~~or "waste"~~ means garbage, refuse~~trash~~, and other solid waste generated from residential, commercial, industrial, and community activities, when it that is generally collected together and not source-separated. It does not include abandoned or junk motor vehicles, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials generally collected, processed, and disposed of as separate waste streams.
8. "Multiple dwelling" means a building used for residential purposes consisting of more than four dwelling units with individual kitchen facilities for each.
- 8.9. "Organic materials" or "organics" means the portion of waste that is source-separated for the purpose of beneficial use, and may include food, food scraps and other materials as designated by Hennepin County. For the purpose of this ordinance, organic material excludes yard waste regulated by Minnesota Statutes, section 115A.931.
- 9.10. "Recyclable materials" or "recyclables" means materials that are separated from mixed municipal solid waste for the purpose of recycling.
- 10.11. "Recycling" means the process of collecting and preparing recyclable materials and using the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

The ~~stricken~~ language is deleted; the underlined language is inserted.

~~11-12.~~ "Recycling collection" means the collection of recyclable materials from a residential dwelling in the manner specified by the city.

~~12-13.~~ "Recycling container" means a receptacle designated by the city for the accumulation and collection of recyclable materials at a residential dwelling.

~~13. "Refuse" means that part of mixed municipal solid waste that normally results from the operation of a household or commercial establishment, except garbage. It does not include industrial wastes, hazardous wastes, or other wastes managed as waste streams separate from mixed municipal solid waste.~~

~~14. "Residential dwelling" means a single building consisting of four or less dwelling units with individual kitchen facilities for each and other residential households where each housing unit sets out its own waste for collection at the curb.~~

~~15. "Source separation" means the separation of recyclable materials, organic materials or both from trash at the source of generation.~~

~~16. "Trash" means non-recyclable materials and non-source-separated organics materials that are designated for landfill or incinerator disposal by the hauler. The term "trash" does not include hazardous waste as defined in Minnesota Statutes, section 116.06, subdivision 11, or construction debris as defined in Minnesota Statutes, section 115A.03, subdivision 7.~~

~~14-17. "Waste" is a general term that includes solid waste in any of its forms, whether source-separated or not, and including trash, recyclables, organic materials, mixed municipal solid waste, or yard waste generated from residential, commercial, industrial or community activities.~~

~~15-18. "Waste container" means a receptacle used for the accumulation and collection of ~~mixed municipal solid~~ waste.~~

~~16-19. "Yard waste" means material that may be composted, such as leaves, grass clippings, garden plants and other similar forms of organic material, but excludes brush, bushes, branches, trees, or similar large material.~~

Section 2. Section 835.010 of the Minnetonka City Code is amended to read as follows:

835.010. Disposal of Waste.

1. Every owner or occupant of a residential dwelling unit, or the owner, manager or occupant of a multiple dwelling or commercial establishment must dispose of waste in the manner required in this section. All people must dispose of waste within the city by using one of the following means:

- a. collection by a licensed collector;
- b. incineration in an incinerator that complies with the requirements of this section; or
- c. delivery to a storage or disposal site that has been approved by all governmental agencies with regulatory authority.

2. Disposal of waste ~~must occur at least once each week~~ from residential dwellings ~~and multiple dwellings must occur as follows:~~

- a. Disposal of organic materials must occur each week.
- b. Disposal of trash must occur each week if the trash contains organic materials.

c. Disposal of trash must occur at least bi-weekly if the trash contains no organic materials.

d. Disposal of recyclable materials must occur at least bi-weekly.

3. Disposal of waste from multiple dwellings must occur at least once each week.

4. Disposal of waste at a commercial establishment must ~~occur~~ at least once each week, and at more frequent intervals if the city orders that it is necessary to protect the public health.

Section 3. Section 835.015 of the Minnetonka City Code is amended to read as follows:

835.015. Preparation of Waste for Collection.

Waste must be prepared for disposal in compliance with the following requirements.

1. Except as otherwise provided, waste accumulated on a property must be drained of liquids, wrapped or bagged, and placed and kept in containers for collection by a licensed collector. Source-separated organics and recyclables must be kept in separate containers. ~~Grass clippings, leaves, and other yard~~ Yard waste must be placed in bags or bundles not exceeding three feet in any dimension and securely fastened to avoid spillage.

2. No explosives, highly inflammable material, or hazardous waste may be placed in waste containers for normal waste collection. Explosive and highly inflammable materials must be disposed of as directed by the fire marshal, at the owner's or possessor's expense. Hazardous waste must be disposed of in accordance with state and federal law.

3. Unless the collector agrees to another location on the premises, waste must be deposited for collection adjacent to the street or alley that the collector will use. It must be in one place at ground level and off the traveled roadway. ~~Waste may not be deposited next to the roadway or alley before sunset of the day before collection. Waste may not remain adjacent to a street or alley for a period longer than 24 hours if not collected and must be removed by the tenant, lessee, owner or occupant.~~

4. Multiple dwellings must be provided with waste containers and collection service by a licensed collector, or with a commercial incinerator complying with the requirements of the Minnesota pollution control agency and licensed by the city. Waste containers that are provided must comply with section 835.020, below. The person owning or operating a multiple dwelling must provide for collection from the containers and must not permit ~~garbage or refuse waste~~ to accumulate on the premises except in the containers.

5. The person owning or managing a commercial establishment, or another property that produces a volume of waste that requires collection more frequently than once each week, must also provide waste containers that comply with the requirements of section

835.020, below. The person owning or managing a premises used as an office, warehouse or industrial building must provide waste containers inside the structure in sufficient size and number to store accumulations of waste resulting from each working day.

6. A person must not deposit waste into a waste container owned by another without the other's prior permission.

7. Waste, yard waste, recyclables, organic materials and the containers in which they are kept~~waste containers, and recycling containers~~ must be located so that they are out of the public view except on the day of collection.

8. A person must not permit waste to accumulate on property under that person's control if it constitutes a nuisance by reason of appearance, odor, sanitation, or fire hazard.

Section 4. Section 835.020 of the Minnetonka City Code is amended to read as follows:

835.020. Waste Containers.

1. Waste containers used in the city must be:

- a. made of metal or other suitable material that is not easily corrodible or combustible;
- b. watertight, insect and rodent-proof, when closed;
- c. kept ~~tightly~~ covered when containing waste;
- d. placed in a manner to prevent them from being overturned; and
- e. maintained in a sanitary and safe condition, free of a substance on the exterior that attracts or breeds flies, other insects, or rodents, and free of ragged or sharp edges or other defects that may impede or injure the person collecting the contents.

2. In addition, waste containers for residential dwellings must be:

- a. equipped with suitable handles and tight fitting covers;
- b. a size and weight that can be handled by one person; and
- c. no larger than 32 gallons in capacity or 75 pounds in weight when filled, except that containers with up to 90-96 gallons in capacity may be used if ~~they have been approved by the city and if~~ collection is provided by automated equipment.

3. In addition, waste containers for multiple dwellings and commercial establishments must be:

- a. at least one cubic yard in capacity;
 - b. conveniently located with respect to the residential units or establishment; and
 - c. placed in an enclosure complying with the requirements of paragraph 4 below.
4. Waste containers for multiple dwellings and commercial establishments must be kept in an enclosure that conceals them from public view. The enclosure must have a raised concrete floor and be kept in good repair at all times. The enclosure must be

constructed, or the containers must be located in the enclosure, so that the contents of the containers are inaccessible for at least three feet above the base of the enclosure.

5. Containers not complying with the requirements of this section must be promptly repaired or replaced with ones that do comply upon notice by the city ~~or the collector~~. If the hauler provides the container, the hauler must promptly repair or replace any container that is in poor condition. If the generator provides the container, the ~~Whenever a container is in poor condition,~~ the collector must tag any the container that is in poor condition with a notice of the defects and the requirement to repair or replace the container. A copy of the notice must be given to the city, and if on the next collection date the generator has not repaired or replaced the container ~~has not been repaired or replaced~~, the collector must notify the city and discontinue collections from the premises until the container is repaired or replaced.

Section 5. Section 835.025 of the Minnetonka City Code is amended to read as follows:

835.025. Public Nuisance.

The accumulation of waste that does not comply with provisions of this section, that is not stored in containers that comply with this section, or that has remained for more than the maximum time period specified in section 835.010 of this code ~~one week~~, is a public nuisance and may be abated by the procedure established in section 850.

Section 6. Section 835.032 of the Minnetonka City Code is amended by adding a new section as follows:

835.032. Organics Collection.

1. Every licensed collector providing trash collection service must provide its residential dwelling customers the option for source-separated organic material collection service.

2. Each licensed collector must provide a waste container to residents who participate in source-separated organic material collection services, or service through an approved co-collection method for source-separate organic material collection within a waste container for waste collection.

3. At the time of initial application for a license and with each application for license renewal, each licensed collector must file a report with the city on a form to be provided by community development licensing division. The report must contain the following information:

- a. A description of the licensed collector's process for collecting organic materials.
- b. A description of the licensed collector's communications plan for notifying residents of the availability of curbside collection of organic materials, including the method(s) and frequency of communications to residents.

- c. Instructions on how residents may sign up for curbside collection of organic materials.
- d. A curbside collection schedule or calendar.
- e. Instructions on how residents should prepare organic materials for curbside collection.
- f. The number of participants and tonnage of organic materials collected in the preceding license period.
- g. The organic materials management facility to which the licensed collector delivers collected organic materials.
- h. The contact information of a representative of the licensee who can respond to inquiries related to the requirements of this section.

Section 7. Section 835.035 of the Minnetonka City Code is amended to read as follows:

835.035. Licensing of Collectors.

1. A person must not undertake collection of recyclables or waste in the city of Minnetonka without first obtaining a license to do so and paying the required license fee specified in section 710.
2. An applicant for a collector's license must submit an application to the community development director on a form prepared by the city. The application must accurately state:
 - a. the name, address, and telephone number of the applicant;
 - b. a description of the manner and kind of services to be rendered and the collection schedule;
 - c. the routes or area to be served;
 - d. the proposed charges for collection; and
 - e. a description of each motor vehicle to be used for collection, including its license number.
3. ~~Each license applicant must also submit a certificate of insurance certifying that its business is currently insured by an insurance company licensed to do business in the state of Minnesota. The certificate must be in the form prescribed by the city. The minimum limits of coverage for the insurance are:~~
 - ~~a. liability insurance:~~
 - ~~(1) each claim, at least \$100,000;~~
 - ~~(2) each occurrence, at least \$300,000; and~~
 - ~~(3) property damage, at least \$50,000.~~
 - ~~b. workers' compensation: statutory amounts.~~

Each licensee must obtain and maintain during the term of the license the following insurance covering all vehicles to be used and all operations to be performed by the licensee in collecting and transporting waste: The policy shall include, but not be limited

to, contractual and independent contractor's coverage, and proof of insurance shall state such coverage.

a. Commercial general liability insurance with a limit of not less than \$1,000,000.00 property damage and bodily injury per occurrence. If such insurance contains an annual aggregate limit, the annual aggregate limit shall not be less than \$2,000,000.00.

b. Comprehensive automobile liability insurance with a limit of not less than \$1,000,000.00 combined single limit. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned vehicles.

c. Worker's compensation insurance at statutory limits.

The insurance must be kept in force during the term of the license and must provide for notification to the city 10 days before termination or cancellation. A license will automatically be revoked upon notice of termination or cancellation of this insurance and will remain revoked until and unless other insurance is provided as required.

Section 8. Section 835.040 of the Minnetonka City Code is amended to read as follows:

835.040. Duties of Collector.

1. Each person hauling or conveying waste over city streets must use a vehicle provided with a tight cover. The vehicle must be operated and maintained to prevent offensive odors escaping, and recyclables, organic materials or waste blowing, dropping or spilling, from the vehicle. A collection vehicle may not be allowed to stand on a street, alley, or other place longer than is reasonably necessary to collect recyclables, organic materials or waste. A collection vehicle must be kept in a clean and sanitary condition, as free from offensive odors as possible, and must be thoroughly disinfected at least once each week, unless it has not been used since the last disinfection.

2. ~~Waste~~Garbage, refuse, refusewaste containers, trash bags, wrappings, cans and disposable containers deposited for collection must be emptied ~~or~~ collected by the licensed collector so that no items are left, ~~except~~except hazardous wastes or other unacceptable wastes. After collection, the collector must return reusable waste containers and recycling containers to the place where they were deposited for collection.

3. A collector may not collect recyclables, organic materials, or waste from residential units or from areas within 400 feet of residential units, after 10:00 p.m. or before 6:00 a.m. Monday through Saturday, or at any time on a Sunday.

4. A vehicle not listed in the license application must not be used for collection, except that an alternate vehicle may be used in an emergency period not exceeding three

days. A vehicle not listed in the license application may be used beyond an emergency period only after the licensee notifies the city of its intended use and the city inspects the vehicle. Each vehicle included within a license is subject to inspection by the city at all reasonable times. While operated in the city, each vehicle must have the name of the licensee clearly printed on both sides and carry a copy of the license issued by the city.

5. Collection vehicles operated under a license are exempt from the seasonal weight restrictions placed upon city roads, except:

- a. when the gross weight on a single axle exceeds 18,000 pounds; or
- b. where special postings specifically prohibit collection vehicles.

During a period of weight restrictions, each collector must provide for operation in conformance with the restrictions, as modified by this paragraph, so that service is not interrupted.

6. When a collector cancels service to a premises, written notice must be served upon or mailed to the occupant, manager or owner of the premises, and a copy of the notice mailed to the community development department.

7. No licensed collector acquires a vested right in a city license. The city council may decide at any time to establish other means of recycling or waste collection.

8. A licensed collector must dispose of ~~recyclables or~~ waste only at a site for the storage or disposal of those materials that has been approved by all governmental agencies with regulatory authority and that is operated in compliance with the applicable ~~regulations~~ regulations of the Minnesota pollution control agency.

9. Nothing in this section may be construed to prohibit a person from disposing of recyclables or waste by delivering it to an approved storage or disposal site.

10. Each licensed collector providing residential ~~refuse~~trash collection service ~~must~~may separately collect and dispose of yard waste ~~during a period not to exceed eight weeks each spring and fall as designated by the city manager or authorized representative between April and November. Within two weeks after notification from the city, each licensed collector providing residential refuse~~trash collection service ~~must give the city a detailed description of:~~

- ~~—a. the manner by which the collector intends to separately collect and dispose of yard waste;~~
- ~~—b. the manner by which the collector intends to account for the amount of yard waste collected; and~~
- ~~—c. the manner by which the collector will inform customers of the yard waste collection program.~~

~~During the designated yard waste collection period, each collector must take the yard waste to a disposal site, approved by the city manager or authorized representative, for subsequent composting. Each licensed collector must keep an accurate accounting of the amount of yard waste collected and must, within 30 days of the end of the collection period, submit a written report to the city detailing the amount of yard waste collected and disposed of for composting during each week of the period.~~

The city council may, by resolution, establish a reimbursement for those ~~refuse~~trash collectors providing yard waste collection during the designated collection period, to offset extraordinary costs incurred by the collectors for the yard waste collection. The resolution must state the amount and rate of reimbursement to be paid to the collectors. If reimbursement is authorized, a collector must not charge a customer an additional amount for the required yard waste collection.

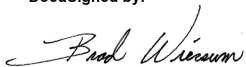
11. Each licensed collector providing a dumpster to property improved as a single-family or two family residence must comply with city code section 845.020 and must remove a dumpster before expiration of the time periods required in that section. The licensed collector may not empty a dumpster onto the property before removing it.

Section 9. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 10. This ordinance is effective March 1, 2022. The director of public works and director of community development are directed to develop and implement a plan to notify all licensed collectors and all residents of the requirements of this ordinance no later than Jan. 31, 2022.

Adopted by the city council of the City of Minnetonka, Minnesota, on Dec. 20, 2021.

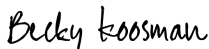
DocuSigned by:



Brad Wiersum, Mayor

Attest:

DocuSigned by:



Becky Koosman, City Clerk

Action on this Ordinance:

Date of introduction: Dec. 6, 2021

Date of adoption: Dec. 20, 2021

Motion for adoption: Schack

Seconded by: Kirk

Voted in favor of: Calvert, Schaeppi, Coakley, Kirk, Schack, Carter, Wiersum

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication: Dec. 30, 2021

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on Dec. 20, 2021.

Becky Koosman, City Clerk